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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,015	11/05/1999	FAN JIAO	50325-081	4659

29989 7590 11/17/2006

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EXAMINER

ZIA, SYED

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/435,015

**Applicant(s)**

JIAO, FAN

**Examiner**

Syed Zia

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7,9,10,12,14,16-20,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7,9,10,12,14,16-20,23 and 24 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                     |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/06, 07/06</u> | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to arguments filed on August 23, 2006. Original application contained Claims 1-20. Applicant previously added Claim 21-26. Applicant previously amended Claims 1, 5-7, 9-14, 16, 21-24, and cancelled Claims 1, 2-4, 8, 11, 13, 15, 21 and 25-26. Applicant currently amended Claims 5-7, 9-10, 12, 14, 16, and 23. The amendment filed have been entered and made of record. Presently pending claims are 5-7, 9-10, 12, 14, 16-20, and 23-24.

### ***Information Disclosure Statement***

The information disclosure statement filed May 01, 2006, and July 17, 2006 is acknowledged and considered accordingly.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In this case nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not

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statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. Also, a signal, a form of energy, does not fall within the definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of § 101.

***Allowable Subject Matter***

Claims 5-7, 9-10, 12, 14, 16-20, and 23-24 are allowed, and subject to overcoming 35 U.S.C. 101 rejection.

2. The following is an Examiner's statement of reason for allowance:

The above mentioned claims are allowable over prior arts because the combined system of Cited Prior Art of record fails to teach or render obvious the claimed limitations in combination with the specific added limitations, as recited in independent Claims 5, 7, 12, 14, 16, 23, and subsequent dependent claims, when analyzed in light of specification, it was found that:

the system of cited prior arts provides directory enabled services in a communication network but in its current approach, routers, switches, gateways, load balancers, and elements of a conventional packet-switched network cannot automatically authenticate themselves to the directory, and a separate service is not provided to facilitate such authentication. The system of cited prior art also has a drawback in its approach, because there is no inherent mechanism

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whereby a router or other network element can locate the nearest directory server, and event notification mechanism for provisioning.

Regarding claimed invention, when the claims were analyzed in light of specification, the claimed invention as presented related to second generation of directory enabled intelligent network services that enables network elements such as routers, switches, gateways and hubs to query, access, and update data of a directory service in a secured fashion using encrypted credentials (i.e. Security services). The proposed directory enabled network element comprises distinct components i.e. Security services, Location services, Event notification services, a Provision schema, and Directory enabled software components (Agents) where each agent communicates using LDAP, obtains policy data from the Directory when the Agent is awakened by the Event notification services, and interrupts and applies policy data into internal data structures of an network operating system in a network element.

This claimed system also accommodate and use the IETF Policy Framework to model various policies of network services, describing the behavior of both hardware and software elements in network elements in the network and their relationships in a set of Directory Schema, and sending out provisioning requests from users to network element through event notification. Thus the directory-enabled software components in a network element (Agents) can obtain provision policy data from the Directory by event notification, interrupt the policy data and apply the policy internally within the network operating system to change the behavior of a network element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ  
November 12, 2006

*S. M. A.*  
STED 2/14  
PRIMARY EXAMINER  
AM 11/29